

Report Date: February 17, 2023

United States District Court**for the****Eastern District of Washington**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Feb 17, 2023**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: William Ray Cloninger, Jr. Case Number: 0980 2:19CR00216-WFN-1
Address of Offender: Spokane, Washington 99212
Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge
Date of Original Sentence: July 15, 2020
Original Offense: Passing Counterfeit Currency, 18 U.S.C. § 472
Manufacture of Counterfeit Currency, 18 U.S.C. § 471
Original Sentence: Prison - 36 Months; Type of Supervision: Supervised Release
TSR - 36 Months
Asst. U.S. Attorney: Earl Allan Hicks Date Supervision Commenced: September 20, 2022
Defense Attorney: Federal Public Defender Date Supervision Expires: September 19, 2025

PETITIONING THE COURT

To **issue a WARRANT** and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 02/07/2023.

On September 20, 2022, Mr. William Cloninger, Jr. signed his conditions relative to case number 2:19CR00216-WFN-1, indicating he understood all conditions as ordered by the Court.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
2	<u>Mandatory Condition #3:</u> You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

Supporting Evidence: Mr. William Cloninger is alleged to have violated mandatory condition number 3 by ingesting methamphetamine on or about February 15, 2023, based on the client's admission of such use.

Specifically, on February 16, 2023, Mr. Cloninger reported to the U.S. Probation Office in Spokane, to participate in urinalysis testing, among other owed and discussed responsibilities. It should be noted that in a brief phone call occurring earlier in the day, Mr. Cloninger had admitted to a relapse occurring on or about February 15, 2023. Mr. Cloninger proved unable to provide a urinalysis sample as directed, despite being advised of his need to do so prior to his reporting. Mr. Cloninger indicated that he was unsure as to why he was unable to provide a sample.

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Mr. Cloninger subsequently detailed events leading up to his relapse on both alcohol and methamphetamine, occurring the evening of February 15, 2023. Specifically, Mr. Cloninger indicated frustration and anxiety following a miscommunication and misunderstanding that had occurred with his two roommates. Mr. Cloninger indicated that this circumstance resulted in him being informed that he needed to locate new residency, and as a result of the circumstances, he traveled to a local eatery where he ingested “five rum and cokes” and later relapsed on methamphetamine. Mr. Cloninger did sign a drug use admission form serving to document his admission.

- 3 **Standard Condition #9:** If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.

Supporting Evidence: Mr. Cloninger is alleged to have violated standard condition number 9 by failing to report law enforcement contact, previously occurring on or about February 11, 2023, based on received collateral information from law enforcement and the client’s admission of such conduct.

Specifically, on February 11, 2023, at 10:28 p.m., the U.S. Probation Office received an automated inquiry indicating the client’s name had been run by the Spokane County Sheriff’s Office. A follow-up response from the agency indicated that the client had been contacted by law-enforcement on personal property and directed to depart the property.

Mr. Cloninger failed to report the contact as required. On February 16, 2023, Mr. Cloninger reported to the U.S. Probation Office, and during discussion with the undersigned officer, admitted to having been contacted and questioned by law-enforcement on or about the day in question, given his location on private property. Mr. Cloninger indicated that he was simply directed to depart from the area and he did so without further incident.

Mr. Cloninger indicated that he stopped on the property, which he described as a field by the river, as he had to use the restroom. Mr. Cloninger admitted he forgot to report the incident, stating that he simply did not consider it to be of significance.

- 4 **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Cloninger is alleged to have violated special condition number 4 by failing to submit to urinalysis testing with the contract provider in Spokane, on February 15, 2023, when his assigned color was called.

As a part of Mr. Cloninger’s ordered term of supervised release, he has been previously directed by the undersigned officer to participate in random urinalysis testing with the contract provider in Spokane. This process requires Mr. Cloninger to report to the provider on any date in which his assigned color is called to provide a sample for testing. Mr. Cloninger has previously indicated his understanding and awareness of this requirement and process.

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On February 16, 2023, the undersigned officer received notification from the contract provider that the client had failed to report for random testing with the provider on February 15, 2023.

On February 16, 2023, Mr. Cloninger reported to the U.S. Probation Office and was confronted as to the missed appointment. Mr. Cloninger admitted to the conduct and advised that with the circumstances surrounding his housing being as they were, that “everything went out the window.” Mr. Cloninger admitted to previously calling the provider on the day in question, and he indicated his previous awareness that he was supposed to submit to testing on the day in question.

- 5 **Special Condition #5:** You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Mr. William Cloninger is alleged to have violated special condition number 5 by ingesting alcohol on or about February 15, 2023, based on the client’s admission of such use.

Specifically, on February 16, 2023, Mr. Cloninger reported to the U.S. Probation Office in Spokane, to participate in urinalysis testing, among other owed and discussed responsibilities. It should be noted that in a brief phone call occurring earlier in the day, Mr. Cloninger had admitted to a relapse occurring the prior day, on or about February 15, 2023. Mr. Cloninger proved unable to provide a urinalysis sample as directed, despite being advised of his need to do so prior to his reporting. Mr. Cloninger indicated that he was unsure as to why he was unable to provide a sample.

Mr. Cloninger subsequently detailed events leading up to his relapse on both alcohol and methamphetamine, occurring February 15, 2023. Specifically, Mr. Cloninger indicated frustration and anxiety following a miscommunication and misunderstanding that had occurred with his two roommates. Mr. Cloninger indicated that this circumstance resulted in him being informed that he needed to locate new residency, and as a result of the circumstances, he traveled to a local eatery where he ingested “five rum and cokes” and later relapsed on methamphetamine. Mr. Cloninger did sign a drug use admission form serving to document his admission.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court **issue a WARRANT**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: February 17, 2023

s/ Chris Heinen

Chris Heinen
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

2/17/2023

Date

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
PROBATION OFFICE

MATTHEW L. THOMPSON

CHIEF PROBATION OFFICER
U.S. COURTHOUSE
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(509) 742-6300 / fax (509) 742-6339

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BRANCH OFFICES

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FEDERAL BUILDING
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REPLY TO Spokane

RECEIVED
U.S. DISTRICT COURT

Feb 17, 2023

WM. FREMMING NIELSEN
Senior District Judge

The Honorable Wm. Fremming Nielsen
Senior U.S. District Judge
Thomas S. Foley U.S. Courthouse
P.O. Box 1493
Spokane, Washington 99210



RE: Cloninger, Jr., William Ray
Dkt. No. 0980 2:19CR00216-WFN-1
Custody Status: Continues Under Supervision
Violation Report #2

Dear Judge Nielsen:

Attached for the Court's review is a petition for action on the above-captioned offender. The circumstances of the alleged noncompliant behavior are reported therein.

Compliance with Supervision Conditions:

Mr. Cloninger's ongoing level of compliance with his ordered terms of supervised release was previously reported to the Court in the petition dated February 7, 2023, and other than that information as outlined herein, minimal additional information exists to report to the Court at this time.

It should be noted, on February 16, 2023, Mr. Cloninger was screened for and approved to participate in the Sobriety Treatment and Education Program (STEP) offered by the Eastern District of Washington, assuming that appropriate timing can be determined to transfer jurisdiction, given the client's apparent ongoing exhibited violation conduct and the Court's acceptance of such a transition.

Offender Characteristics:

Mr. Cloninger's offender characteristics were previously reported to the Court in the petition dated February 7, 2023, and other than that information as outlined herein, minimal additional information exists to report to the Court at this time.

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Mr. Cloninger is scheduled to participate in his chemical dependency assessment with Pioneer Human Services on February 17, 2023, at 3:30 p.m., in Spokane.

Statutory and Guideline Provisions:

Pursuant to 18 U.S.C. § 3583(e)(3), the Court may revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve on any such revocation more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than 1 year in any other case.

Pursuant to 18 U.S.C. § 3583(h), when a term of supervised release is revoked and the defendant is required to serve a term of imprisonment, the Court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release less any term of imprisonment that was imposed upon revocation of supervised release.

As a cost-containment measure, in March 2004, the Judicial Conference endorsed a non-binding policy that substantially restrains enhanced sentencing authority. This policy was incorporated in our agency's Monograph 109, *The Supervision of Federal Offenders*:

Although it is statutorily permissible to impose a new term of supervised release in most post-April 30, 2003, cases, officers should ordinarily recommend a new supervised release sentence only when the prison time imposed for the current violation, plus any prison time imposed for a prior revocation(s) of this term of supervised release, is less than the maximum prison term set forth at 18 § 3583(e)(3).

If revoked, the following options are available for sentencing:

Original Criminal History Category:	VI
Grade of Violation:	C
Class of Offense:	Class C Felony

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	<u>Statutory Provisions</u>	<u>Guideline Provisions</u>
CUSTODY:	Not more than 2 years	8-14 months
SUPERVISED RELEASE:	36 months minus custody imposed	36 months minus custody imposed

It is respectfully recommended that the Court incorporates the violation(s) in this petition in future proceedings with the violation(s) previously reported to the Court and **issue a WARRANT** requiring William Cloninger to appear to answer to the allegation(s) in the attached petition.

Respectfully submitted,

Matthew L. Thompson
Chief U.S. Probation Officer

By: <u>s/Chris Heinen</u>	<u>02/17/2023</u>
Chris Heinen	Date
U.S. Probation Officer	

APPROVED BY:

<u>s/Richard Law</u>	<u>02/17/2023</u>
Richard Law	Date
Supervisory U.S. Probation Officer	

CSH:sa